



MEMORANDUM

TO: Parks and Recreation Board

FROM: Jesus M. Olivares, Acting Director
Parks and Recreation Department

DATE: February 7, 1996

SUBJECT: Construction of a single-slip boat dock, at 5207 S. Scout
Island Circle
File # SP-96-0014DS

A request has been received from Signor Enterprises, Inc., on behalf of Kevin Daffer, for approval to construct a covered single-slip boat dock at 5207 S. Scout Island Circle. The applicant is also requesting a variance to extend a distance greater than 30' into the water, the attached letter from the applicant describes the circumstances.

This dock is located in The Courtyard subdivision on Bull Creek. The docks are located on the inside of a bend in the creek where the water is shallow. Previous requests for docks in this location to extend out to 50' from the shoreline have been granted by the Board.

Parks and Recreation Department staff have reviewed the project and, with the exception of the request for a variance, it meets the requirements of Article VI, Division 4, Part E (Requirements for the Construction Of Boat Docks) of the Land Development Code (including all amendments).

Recommendation

I recommend approval of the request :

1. To construct a covered single-slip boat dock at 5207 S. Scout Island Circle, in accordance with Site Plan # SP-96-0014DS.
2. To grant a variance to the provisions of Section 13-2-795(1) to allow the boat dock located at 5207 S. Scout Island Circle to extend a maximum distance of 50' from the shoreline.

Parks and Recreation Board
Boat dock, 5207 S. Scout Island Circle
February 7, 1996
Page 2

If I can provide you with any additional information, please contact me.

A handwritten signature in cursive script, reading "Jesus M. Olivares".

Jesus M. Olivares, Acting Director
Parks and Recreation Department

JMO:PM

12-JAN-1996

TO: COMMENT DUE DATE: 19-JAN-1996
FROM: SITE PLAN REVIEW DIVISION/PLANNING DEPT
SUBJECT: DEVELOPMENT PERMIT ONLY SP-96-0014DS

PROJECT: DAFFER BOAT DOCK

5207 S SCOUT ISLAND CIR

CASE MANAGER: PASQUARELLA, BRETT 499-2636

APPLICATION DATE: 12-JAN-1996

ZIP: 78731

FULL PURPOSE

WATERSHED: Lake Austin RURAL WATER SUPPLY

OWNER: DAFFER, KEVIN L. (512)331-8116

11204 BARRINGTON WAY AUSTIN, TX 78759

CONTACT: KEVIN L. DAFFER

AGENT: SIGNOR ENTERPRISES, INC. (512)327-6064

5523 W. BEE CAVES ROAD K-5 AUSTIN, TX 78746

CONTACT: BEVERLY

SITE PLAN AREA: 0.016 ACRES (699 SQ FT)
UTILITY OR STORM SEWER LENGTH: 0 LINEAR FEET

EXISTING ZONING: SF
EXISTING USE: BOATDOCK

TRACT	ACRES/SQ FT	PROPOSED USE
	0.016/ 699	BOATDOCK

RELATED CASE NUMBERS (IF ANY):

OTHER PROVISIONS:

QUALIFIES AS A SMALL PROJECT
TIA IS NOT REQUIRED
FEE RECEIPT #: 1754513

SUBD NAME: THE COURTYARD, PHASE 3-A
BLOCK/LOT: LOT 8
PLAT BOOK/PAGE:

PARCEL #:

VARIANCES/WAIVERS, BONUSSES:

Date: January 10, 1996

To: Director Parks and Recreation Department

From: Signor Enterprises Inc.

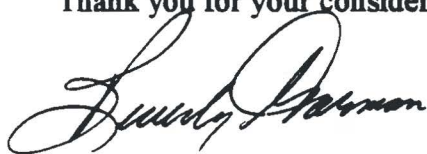
Subject: Dock permit, legal address: The Courtyard, Phase 3A, Lot 8

We are requesting approval of our residential boat dock plans at 5207 Scout Island Circle South for construction in March 1996.

The slips are to be built from steel pilings.

This additional construction should not adversely affect any shoreline erosion, drainage, or other environmental concerns.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Beverly Garman".

Beverly Garman

Date: January 10, 1996
To: City of Austin
From: Signor Enterprises Inc.
Subject: Summary letter for the Daffer boatdock at 5207 Scout Island Circle South.

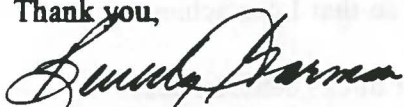
This project is in the Lake Austin Watershed as the average lake level at the proposed location is 492.8.

No impervious cover is to be proposed.

All of the project will be constructed by a barge based crain and pile driver, so no trees will be cleared.

The construction process will be: first the steel pilings are driven, the lower deck will be built then the roof structure.

Thank you,



Beverly Garman

January 10, 1996

Director
Parks and Recreation Board
City of Austin

Re: Request for permit and for variance on length of boat house at 5207 Scout Island Circle South.

Dear Director:

I propose construction of a boat house behind my home at 5207 Scout Island Circle South in the Courtyard on the north side of the Bull Creek arm of Lake Austin. The legal description of the property is Courtyard Phase 3-A, Lot 8, Plat Book 81, Page number 61-64 and LUE, Exhibit G, Volume 8939, Page 897, Real Property Record, Travis County, Texas.

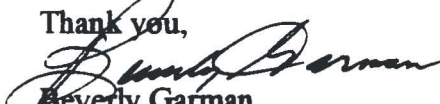
I request a variance for the length of the boat house I plan to build. I want my boat house to be 50 feet long, which is in excess of the maximum permitted length, without variance, of 20 feet.

I believe you should grant my request for a variance for the following reasons:

1. The Bull Creek arm of Lake Austin is very wide behind my home. Consequently, the extension of the boat house 50 feet into the water will not present a hazard to navigation.
2. The water is very shallow along the north shore where my boat house will be located. I need to extend the boat house an extra 20 feet away from the shoreline in order for it to be in some what deeper water so that I can achieve proper boat navigation.
3. Over 10 years ago the city gave the seven owners of boat docks behind Phase 2 of Courtyard permission to have boat docks that are about 50 feet long. Robert May and several other homeowners have recently been granted similar variances. Apparently these docks have presented no problem for either the City or the neighborhood.

I would like to present my request for variance to the proper committee. Please call if you have any questions.

Thank you,


Beverly Garman
Signor Enterprises, Inc.
For Kevin Daffer

**THE COURTYARD HOMEOWNERS ASSOCIATION, INC.
7035 BEE CAVE ROAD, SUITE 100
AUSTIN, TEXAS 78746
(512) 476-7028**

January 17, 1996

Parks and Recreation Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Kevin Daffer
Lot 8, Phase 3A
The Courtyard Subdivision

Dear Sirs:

We are aware that the reference lot is now owned by Kevin Daffer.

The legal description of the land as defined in the title policy commitment is:

Tract I: Lot 8, The Courtyard Phase 3-A as described in plat map recorded in Book 81 pages 61-64, Plat Records, Travis County, Texas,

Tract II: A Limited Use Easement for Lot 12, The Courtyard Phase 3-A being a 0.9205 acre tract, out of Lot 14, The Courtyard Phase 3-A a subdivision of record in Book 81, Pages 61-64 of the Plat Records of Travis County, Texas, and described in Volume 9839, Page 897 Real Property Records, Travis County, Texas.

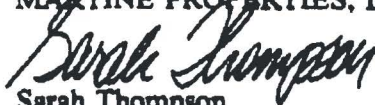
The Courtyard Homeowners Association, Inc. approves the Daffer Boat Dock proposal provided its specifications and design meet City of Austin, and all other governmental authorities requirements and Courtyard Documents that have jurisdictions over such matters.

The Courtyard Homeowners Association, Inc.'s. authority stems from the "Second Restated Declaration of Covenants, Conditions and Restrictions", filed by the owner of the subdivision and recorded in Volume 6598, pages 1046-1076, Real Property Records, Travis County, Texas on June 22, 1979. This document states on Page 1048 with respect to a lot owner's "Limited Use Easement" that the "...owner can fence and landscape the area and, with the approval of the Environmental Control Committee (of the homeowners' association) can erect gazebos, boatdocks, steps, and other related structures."

Page 2
Parks and Recreation Dept.

Please call me at (512) 476-7028 if you require further certification from The Courtyard Homeowners' Association, Inc..

Sincerely,
MARTINE PROPERTIES, INC.

A handwritten signature in black ink, appearing to read "Sarah Thompson".

Sarah Thompson
Acting Association Manager
in the absence of Karen Garcia

NOTE: NO MODIFICATION OF THE SHORELINE OR OTHER GROUND DISTURBANCE WHICH WOULD INCREASE THE POTENTIAL FOR EROSION/SEDIMENTATION IS ANTICIPATED BY THIS PROJECT. THE CITY OF AUSTIN GENERAL CONSTRUCTION NOTES ARE ATTACHED TO AND MADE A PART OF THIS PROJECT FOR APPLICABILITY IN THE EVENT THAT UNFORSEEN DISTURBANCE OF THE LAND AREA OF THE SITE IS NECESSARY TO COMPLETE THE APPROVED CONSTRUCTION. REFERENCE: EXHIBIT III OF THE BOAT DOCK PACKET (5/24/91) AND SILT FENCE DETAIL; FIGURE 1-8, OF THE ENVIRONMENTAL MANUAL.

NOTE: THIS PROJECT/SITE IS LOCATED IN THE LAKE AUSTIN WATERSHED, IS CLASSIFIED AS WATER SUPPLY RURAL AND IS EXEMPT PURSUANT TO THE LAND DEVELOPMENT CODE SECTION 13-2-502(b) DUE TO HAVING A FINAL PLAT APPROVED PRIOR TO MAY 18, 1986. PURSUANT TO SECTION 13-2-502(g), THE SITE IS SUBJECT TO CITY ORDINANCE #800103-N 'LAKE AUSTIN WATERSHED ORDINANCE'.

DOCK CONTRACTOR: SIGNOR ENTERPRISES, INC.
5524 W. BEE CAVES RD. STE K-5
AUSTIN, TX. 78746

OWNER: KEVIN DAFFER

LEGAL ADDRESS: THE COURTYARD, PHASE 3A, LOT 8

STREET ADDRESS: 5207 SCOUT ISLAND CIRCLE SOUTH
AUSTIN, TX 78731

Construction proposed for March, 1996..
Drainage, land erosion, and sedimentation are not affected.
There are no trees 8" or larger within limits of construction.
Pilings shall be steel.
Dumpster shall be provided for temporary storage of spoils.

All responsibility for the adequacy of these plans remains with the engineer/designer who prepared them. In approving these plans, the City of Austin must rely on the adequacy of the work of the engineer/designer.

Approved by:

Department of Planning & Development

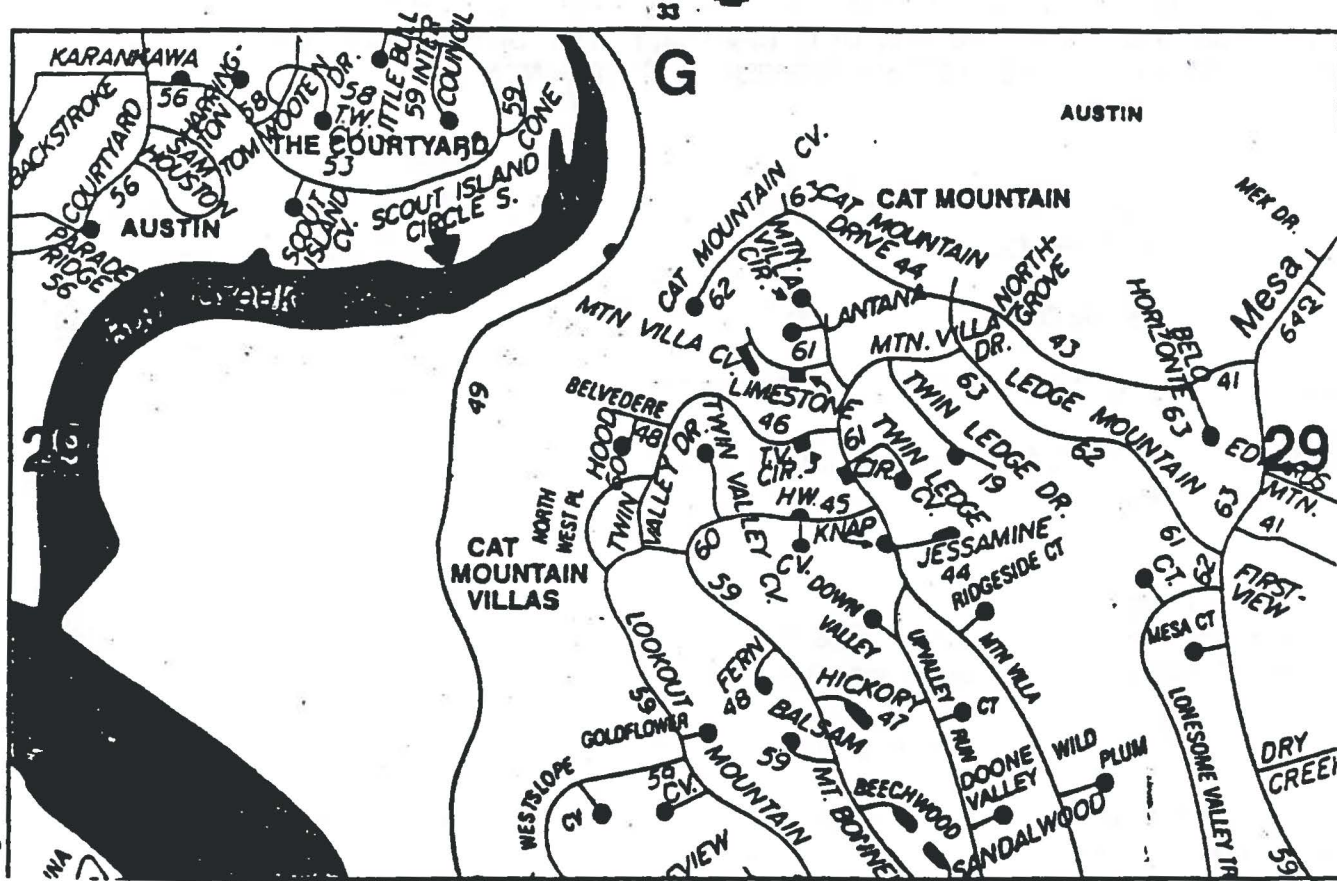
Date

Dev. Permit #

REVIEWED BY:

DATE:

G



MAP
44

SCOUT ISLAND CIRCLE

N 05° 04' 00" E N 76° 30' 00" E
17.40 50.42

15° 31' 48" W, P. 761

138.29

Tract I

5' Drainage
Easement
Vol. 7890, Pg. 721

N 01° 46' 00" E

96.00

142.04

N 18° 00' 00" W

270.70

137.08

15 wide sanitary
sewer easement
Vol. 6027, Pg. 1557

edge of water

Tract II

L.U.F.
0.6895 Ac.

inundated
points
89.65

S 60° 53' 40" W

BULL CREEK

S 14° 27' 36" E

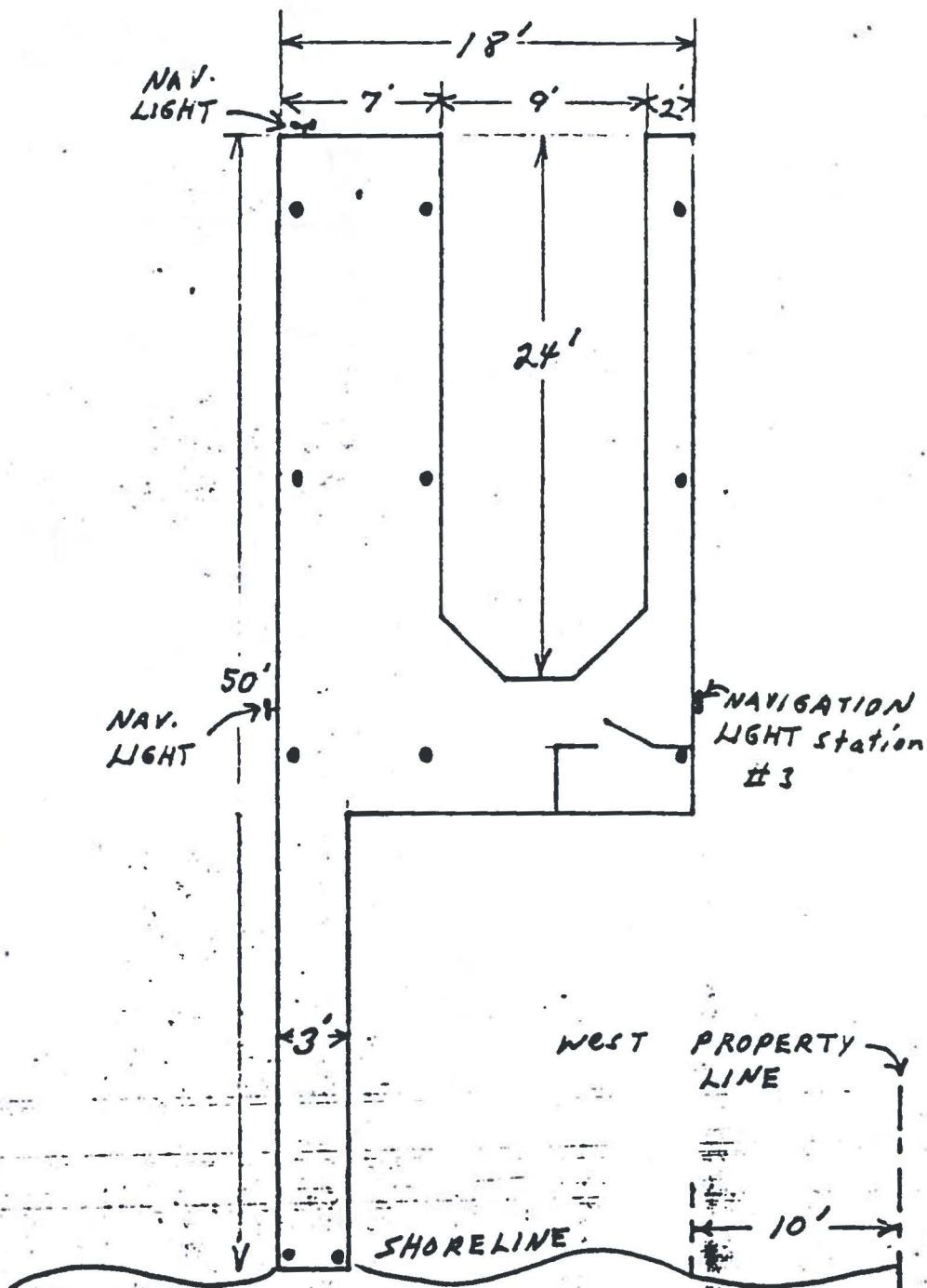
303.51

167.11

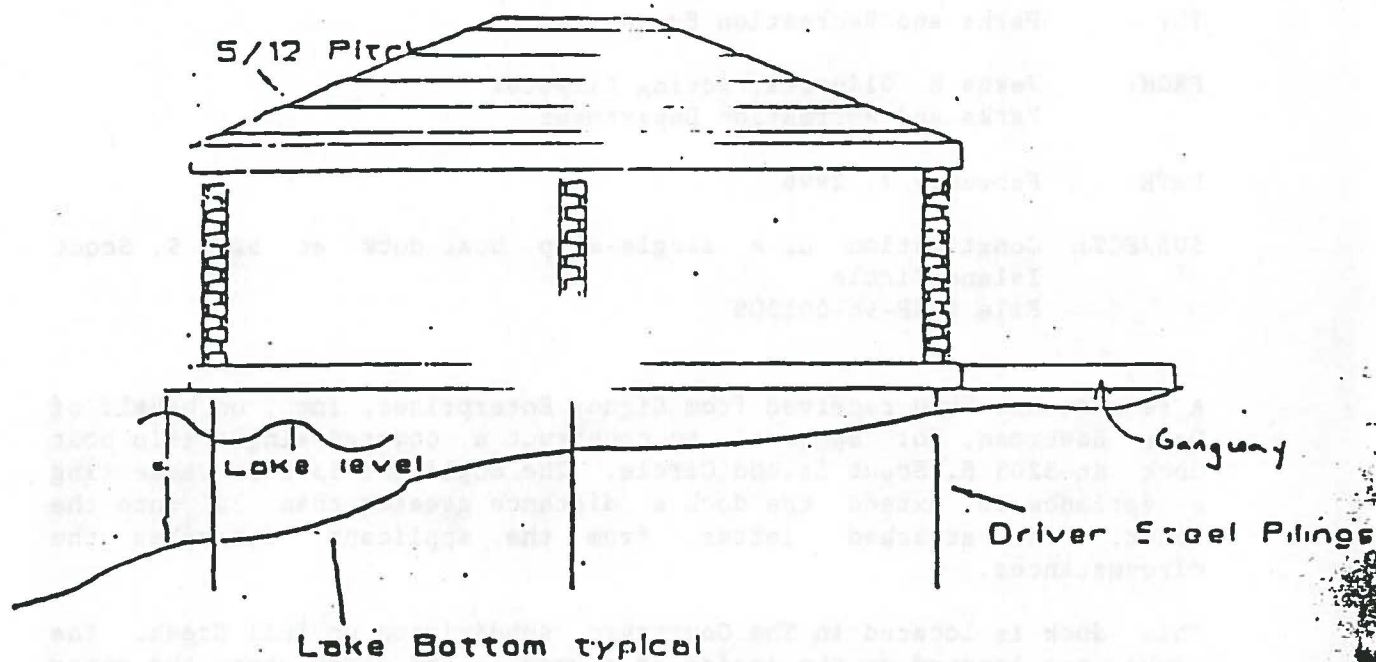
Part of Lot 14:
Common Area & Drainage
& Public Utility Easement

(Reference Case # C814-75-002)

BULL CREEK



Side View
(Not to Scale)





MEMORANDUM

TO: Parks and Recreation Board

FROM: Jesus M. Olivares, Acting Director
Parks and Recreation Department

DATE: February 7, 1996

SUBJECT: Construction of a single-slip boat dock, at 5203 S. Scout
Island Circle
File # SP-96-0013DS

A request has been received from Signor Enterprises, Inc., on behalf of Dale Bowerman, for approval to construct a covered single-slip boat dock at 5203 S. Scout Island Circle. The applicant is also requesting a variance to extend the dock a distance greater than 30' into the water, the attached letter from the applicant describes the circumstances.

This dock is located in The Courtyard subdivision on Bull Creek. The docks are located on the inside of a bend in the creek where the water is shallow. Previous requests for docks in this location to extend out to 50' from the shoreline have been granted by the Board.

Parks and Recreation Department staff have reviewed the project and, with the exception of the actual location of the boat dock not being shown and the request for a variance, it meets the requirements of Article VI, Division 4, Part E (Requirements for the Construction Of Boat Docks) of the Land Development Code (including all amendments).

Recommendation

I recommend approval of the request :

1. To construct a covered single-slip boat dock at 5203 S. Scout Island Circle, in accordance with Site Plan # SP-96-0013DS.
2. To grant a variance to the provisions of Section 13-2-795(1) to allow the boat dock located at 5203 S. Scout Island Circle to extend a maximum distance of 50' from the shoreline.

Parks and Recreation Board
Boat dock, 5203 s. Scout Island Circle
February 7, 1996
Page 2

The approval is subject to the following condition:

1. The dock is located at least 10' from the side property lines in accordance with Section 13-2-795(2).

If I can provide you with any additional information, please contact me.

Jesus M. Olivares

Jesus M. Olivares, Acting Director
Parks and Recreation Department

JMO:PM

D I S T R I B U T I O N M E M O R A N D U M

12-JAN-1996

TO: COMMENT DUE DATE: 19-JAN-1996
FROM: SITE PLAN REVIEW DIVISION/PLANNING DEPT
SUBJECT: DEVELOPMENT PERMIT ONLY SP-96-0013DS

PROJECT: BOWERMAN BOATDOCK

5203 S SCOUT ISLAND CIR

CASE MANAGER: OWEIS, DEYAB 499-2813

APPLICATION DATE: 12-JAN-1996

ZIP: 78731 FULL PURPOSE
WATERSHED: Lake Austin RURAL WATER SUPPLY

OWNER: BOWERMAN, DALE (806)356-2731
3511 KENSINGTON PLACE AMARILLO, TX 79121
CONTACT: DALE BOWERMAN
AGENT: SIGNOR ENTERPRISES, INC. (512)327-6064
5523 W. BEE CAVES ROAD K-5 AUSTIN, TX 78746
CONTACT: BEVERLY

SITE PLAN AREA: 0.014 ACRES (630 SQ FT)
UTILITY OR STORM SEWER LENGTH: 0 LINEAR FEET

EXISTING ZONING:?

EXISTING USE:

TRACT	ACRES/SQ FT	PROPOSED USE
	0.014/ 630	BOAT DOCK

RELATED CASE NUMBERS (IF ANY):

OTHER PROVISIONS:

QUALIFIES AS A SMALL PROJECT
TIA IS NOT REQUIRED
FEE RECEIPT #: 1754512

SUBD NAME: THE COURTYARD PHASE 3-A
BLOCK/LOT: LOT 10
PLAT BOOK/PAGE:

PARCEL #:

VARIANCES/WAIVERS, BONUSES:

Date: January 10, 1996

To: Director Parks and Recreation Department

From: Signor Enterprises Inc.

Subject: Dock permit, legal address: The Courtyard, Phase 3A, Lot 10

We are requesting approval of our residential boat dock plans at 5203 Scout Island Circle South for construction in March 1996.

The slips are to be built from steel pilings.

This additional construction should not adversely affect any shoreline erosion, drainage, or other environmental concerns.

Thank you for your consideration.



Beverly Garman

January 10, 1996

Director
Parks and Recreation Board
City of Austin

Re: Request for permit and for variance on length of boat house at 5203 Scout Island Circle South.

Dear Director:

I propose construction of a boat house behind my home at 5203 Scout Island Circle South in the Courtyard on the north side of the Bull Creek arm of Lake Austin. The legal description of the property is Courtyard Phase 3-A, Lot 10, Plat Book 81, Page number 61-64 and LUE, Exhibit G, Volume 8939, Page 897, Real Property Record, Travis County, Texas.

I request a variance for the length of the boat house I plan to build. I want my boat house to be 50 feet long, which is in excess of the maximum permitted length, without variance, of 20 feet.

I believe you should grant my request for a variance for the following reasons:

1. The Bull Creek arm of Lake Austin is very wide behind my home. Consequently, the extension of the boat house 50 feet into the water will not present a hazard to navigation.
2. The water is very shallow along the north shore where my boat house will be located. I need to extend the boat house an extra 20 feet away from the shoreline in order for it to be in some what deeper water so that I can achieve proper boat navigation.
3. Over 10 years ago the city gave the seven owners of boat docks behind Phase 2 of Courtyard permission to have boat docks that are about 50 feet long. Robert May and several other homeowners have recently been granted similar variances. Apparently these docks have presented no problem for either the City or the neighborhood.

I would like to present my request for variance to the proper committee. Please call if you have any questions.

Thank you,


Beverly Garman

Signor Enterprises, Inc.
For Dale Bowerman

**THE COURTYARD HOMEOWNERS ASSOCIATION, INC.
7035 BEE CAVE ROAD, SUITE 100
AUSTIN, TEXAS 78746
(512) 476-7028**

January 17, 1996

Parks and Recreation Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Dale Bowerman
Lot 10, Phase 3A
The Courtyard Subdivision

Dear Sirs:

We are aware that the reference lot is now owned by Dale Bowerman.

The legal description of the land as defined in the title policy commitment is:

Tract I: Lot 10, The Courtyard Phase 3-A as described in plat map recorded in Book 81 pages 61-64, Plat Records, Travis County, Texas,

Tract II: A Limited Use Easement for Lot 12, The Courtyard Phase 3-A being a 0.9205 acre tract, out of Lot 14, The Courtyard Phase 3-A a subdivision of record in Book 81, Pages 61-64 of the Plat Records of Travis County, Texas, and described in Volume 9839, Page 897 Real Property Records, Travis County, Texas.

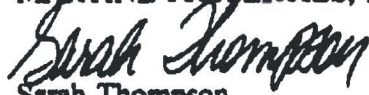
The Courtyard Homeowners Association, Inc. approves the Daffer Boat Dock proposal provided its specifications and design meet City of Austin, and all other governmental authorities requirements and Courtyard Documents that have jurisdictions over such matters.

The Courtyard Homeowners Association, Inc.'s authority stems from the "Second Restated Declaration of Covenants, Conditions and Restrictions", filed by the owner of the subdivision and recorded in Volume 6598, pages 1046-1076, Real Property Records, Travis County, Texas on June 22, 1979. This document states on Page 1048 with respect to a lot owner's "Limited Use Easement" that the "...owner can fence and landscape the area and, with the approval of the Environmental Control Committee (of the homeowners' association) can erect gazebos, boatdocks, steps, and other related structures."

Page 2
Parks and Recreation Dept.

Please call me at (512) 476-7028 if you require further certification from The Courtyard Homeowners' Association, Inc..

Sincerely,
MARTINE PROPERTIES, INC.

A handwritten signature in black ink, appearing to read "Sarah Thompson". The signature is written in a cursive, flowing style.

Sarah Thompson
Acting Association Manager
in the absence of Karen Garcia

NOTE: NO MODIFICATION OF THE SHORELINE OR OTHER GROUND DISTURBANCE WHICH WOULD INCREASE THE POTENTIAL FOR EROSION/SEDIMENTATION IS ANTICIPATED BY THIS PROJECT. THE CITY OF AUSTIN GENERAL CONSTRUCTION NOTES ARE ATTACHED TO AND MADE A PART OF THIS PROJECT FOR APPLICABILITY IN THE EVENT THAT UNFORSEEN DISTURBANCE OF THE LAND AREA OF THE SITE IS NECESSARY TO COMPLETE THE APPROVED CONSTRUCTION. REFERENCE: EXHIBIT III OF THE BOAT DOCK PACKET (5/24/91) AND SILT FENCE DETAIL; FIGURE 1-8, OF THE ENVIRONMENTAL MANUAL.

NOTE: THIS PROJECT/SITE IS LOCATED IN THE LAKE AUSTIN WATERSHED, IS CLASSIFIED AS WATER SUPPLY RURAL AND IS EXEMPT PURSUANT TO THE LAND DEVELOPMENT CODE SECTION 13-2-502(b) DUE TO HAVING A FINAL PLAT APPROVED PRIOR TO MAY 18, 1986. PURSUANT TO SECTION 13-2-502(g), THE SITE IS SUBJECT TO CITY ORDINANCE #800103-N 'LAKE AUSTIN WATERSHED ORDINANCE'.

DOCK CONTRACTOR: SIGNOR ENTERPRISES, INC.
5524 W. BEE CAVES RD. STE K-5
AUSTIN, TX. 78748

OWNER: R. DALE BOWERMAN

LEGAL ADDRESS: THE COURTYARD, PHASE 3A, LOT 10

STREET ADDRESS: 5203 SCOUT ISLAND CIRCLE SOUTH
AUSTIN, TX 78731

Construction proposed for March, 1996..
Drainage, land erosion, and sedimentation are not affected.
There are no trees 8" or larger within limits of construction.
Pilings shall be steel.
Dumpster shall be provided for temporary storage of spoils.

All responsibility for the adequacy of these plans remains with the engineer/designer who prepared them. In approving these plans, the City of Austin must rely on the adequacy of the work of the engineer/designer.

Approved by:

Department of Planning & Development Date

Dev. Permit # _____

REVIEWED BY: _____

DATE: _____

SCOUT ISLAND CIR.
- 50' R.O.W. -

(N 40° 10' 00" E. C. 76.10)
(N 40° 20' 20" E. C. 76.41)

15' B.I. 1 N. P. B.I.

157.30'

S 17° 30' 00" E

10

(TRAC'T 1)

169.09'

30.00' (30.00')

(S 25° 33' 20" W)
(S 25° 30' 00" W)

257.01'

Part of Lot 14:
Common Area a Drainage
a Public Utility Easement

(Reference Case # C814-75-002)

250.47'

110.40'

4.15' sanitary
sewer easement
ment 161.6027
Pt. 1557-

edge of water

137.03'

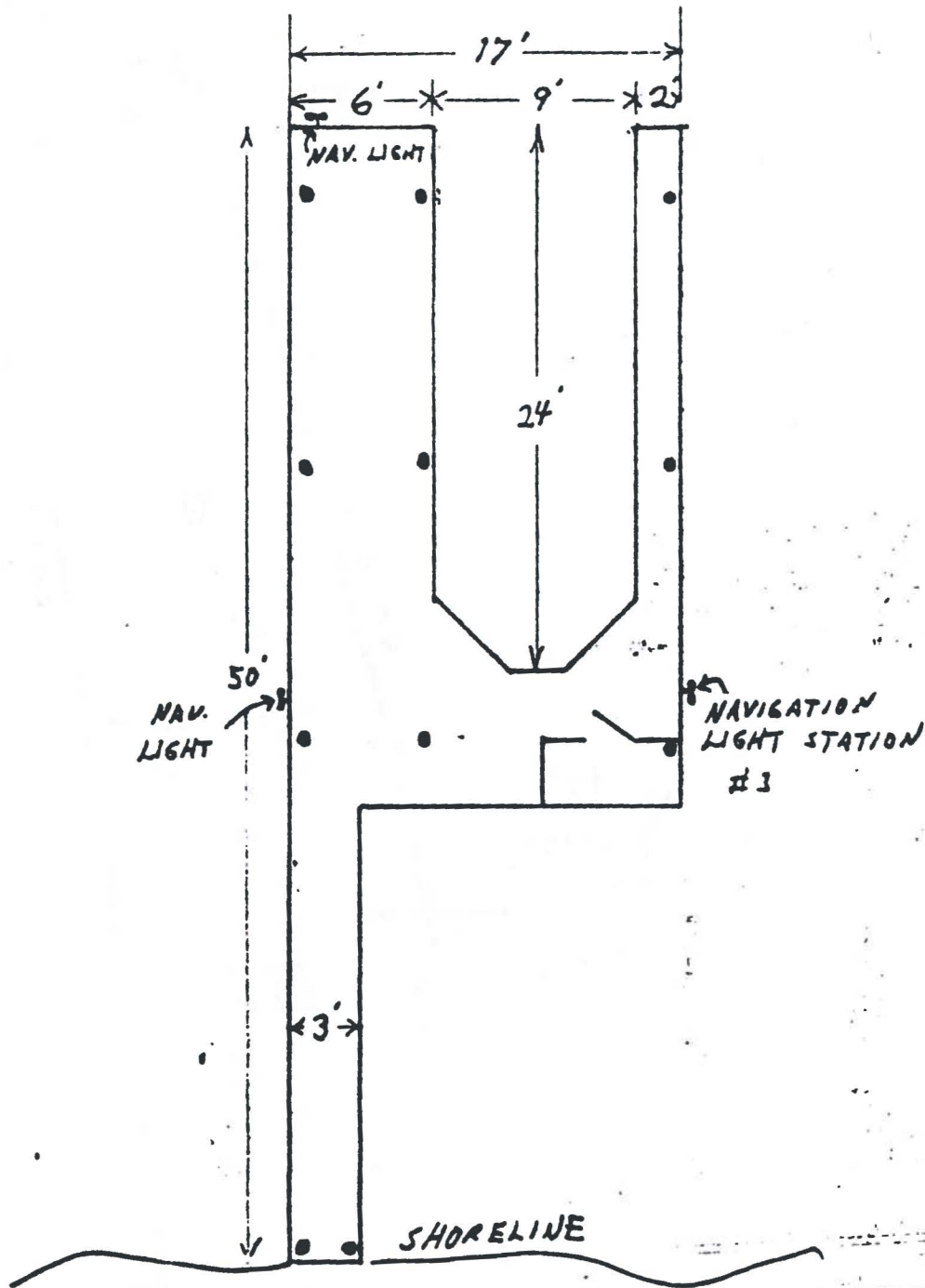
(TRAC'T 11)

inundated
points

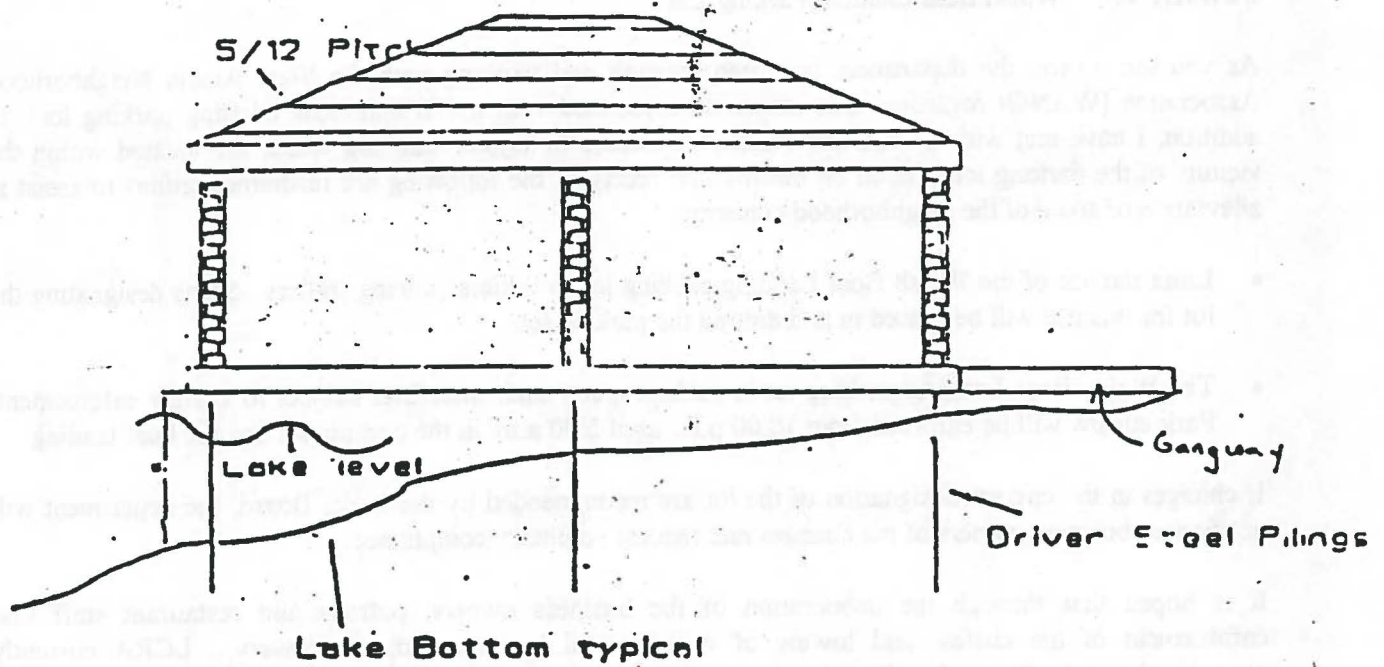
04.62'

S 25° 00' 32" E (S 25° 00' 15" E)

BULL CREEK



Side View
(Not to Scale)





MEMORANDUM

TO: Parks Board Members

FROM: Jesus M. Olivares, Acting Director
Parks and Recreation Department

DATE: February 8, 1996

SUBJECT: Walsh Boat Landing Parking Lot

As you are aware, the department has been meeting and working with the West Austin Neighborhood Association (WANG) regarding their concerns associated with the Walsh Boat Landing parking lot. In addition, I have met with LCRA and restaurant owners of Oyster Landing which are located within the vicinity of the parking lot. Based on information received, the following are recommendations to assist in alleviation of some of the neighborhood concerns.

- Limit the use of the Walsh Boat Landing parking lot to vehicles towing trailers. Signs designating the lot for this use will be placed in and around the parking lot.
- The Walsh Boat Landing parking lot is park property and, therefore, subject to curfew enforcement. Park curfew will be enforced from 10:00 p.m. until 5:00 a.m. in the parking lot and the boat landing.

If changes in the current designation of the lot are recommended by the Parks Board, the department will notify area business owners of the changes and request voluntary compliance.

It is hoped that through the cooperation of the business owners, patrons and restaurant staff that enforcement of the curfew and towing of vehicles will be rare and unnecessary. LCRA currently accommodates the Oyster Landing restaurant owners with overflow parking which is located across from the restaurants on Lake Austin Boulevard. It is felt that by limiting the Walsh Boat Landing parking lot to vehicles towing trailers only, it will allow for the intended use of the lot to be maintained for the boat landing. In addition, it should not place a burden on patrons of the restaurants due to the availability of overflow parking.

Any additional comments or ideas are welcomed to help alleviate the neighborhood's concerns.

Jesus M. Olivares, Acting Director
Parks and Recreation Department



MEMORANDUM

TO: Parks and Recreation Board

FROM: Jesus M. Olivares, Acting Director
Parks and Recreation Department

DATE: February 7, 1996

SUBJECT: Proposed revision of Sound Ordinance

The Parks and Recreation Department in conjunction with the Music Commission investigated the impact of sound on neighborhoods around Auditorium Shores through the summer and fall of 1995. After testing the difference between 85 decibels (the level currently specified as the maximum in the sound ordinance) and 80 decibels (the level which the sound ordinance designates as the maximum after 10:00 PM), it became clear that lowering decibel limits to 80 when a wind was blowing from the north did significantly reduce the impact on neighborhoods south of Auditorium Shores. Four locations were tested.

As a result the Music Commission and the Parks and Recreation Department are recommending that the current sound ordinance be revised to provide special requirements for Auditorium Shores: City Council is being asked to amend Chapter 9-8, Article II, Section 9-8-23 of the City Code to further restrict sound amplification devices at Auditorium Shores. 9-8-23(4)c would be amended to read as follows (added language indicated in bold):

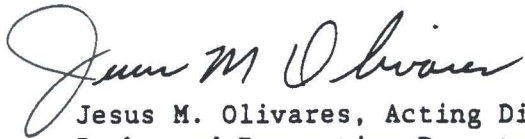
"In addition to the preceding time restrictions, no amplification device shall be used or operated within a park to produce a sound in excess of eighty-five (85) dB between 10:00 a.m. and 10:00 p.m.; and eighty (80) dB between 10:00 p.m. and 2:00 a.m., as measured one hundred (100) feet in front of the device or at the boundary of such park in front of the device, whichever distance is lesser. At Auditorium Shores, no amplification device shall be used or operated to produce a sound in excess of eighty (80) dB when an instrument indicates a wind blowing from the north in any direction. Sound levels at this location shall be measured two hundred and 10 (210) feet in front of the sound amplification device or at the boundary of such park in front of the device, whichever distance is lesser."

The Music Commission concurred with staff recommendation regarding the dB level and further recommended that the point at which sound levels are measured at Auditorium Shores be 210 feet from the sound source or the property line, whichever is closer (see attached resolution).

Memo to Parks and Recreation Board
Proposed Revision of Sound Ordinance
p.2

The Department recommends your approval of these revisions to the current sound ordinance.

Please let me know if you need additional information.

A handwritten signature in cursive script, reading "Jesus M. Olivares". The signature is written in dark ink and is positioned above the printed name and title.

Jesus M. Olivares, Acting Director
Parks and Recreation Department



MUSIC COMMISSION RECOMMENDATIONS CONCERNING SOUND MONITORING OF MUSIC EVENTS AT AUDITORIUM SHORES.

(Passed unanimously October 11, 1995)

- 1) Parks and Recreation Department monitoring of sound levels for music events at Auditorium Shores be effected at a point 210 feet from the sound source or at the facility's property line, whichever is closer to the sound source.
- 2) Parks and Recreation staff recommendations concerning sound level adjustments at Auditorium Shores in the case of a prevailing North wind should be implemented.



MEMORANDUM

TO: Parks and Recreation Board

FROM: Jesus M. Olivares, Acting Director
Parks and Recreation Department

DATE: February 7, 1996

SUBJECT: Proposed Interlocal Agreement with Austin Independent School District

The Parks and Recreation Department has two grant-funded programs which provide meals for participants. The first is the Senior Support Services Program, which serves meals to persons 60 years of age and older at 16 sites in Austin and Travis County. This annual grant has been funded by the Capital Area Planning Council since 1973. The second is the Summer Luncheon Program, which has provided free meals to local children in the summer months since 1991. The program, co-sponsored by Austin Independent School District (AISD), is funded by a grant from the United States Department of Agriculture and Texas Department of Human Services.

AISD has provided meals for both programs. The meals provided meet or exceed USDA nutrition guidelines and are at the lowest per unit cost available locally. The Board is being asked to authorize negotiation and execution of one on-going agreement which will cover both programs, as well as any similar programs which may be funded in the future. The Agreement was initially approved by City Council in March of 1994, but changes in per meal cost and reporting requirements necessitate review and renewal.

While funding for the 1996 Summer Luncheon Program is not confirmed at this time, it is included in this Agreement in the event monies are received.

I recommend approval.

Jesus M. Olivares, Acting Director
Parks and Recreation Department

INTERLOCAL COOPERATION AGREEMENT

BETWEEN

CITY OF AUSTIN

AND

THE AUSTIN INDEPENDENT SCHOOL DISTRICT

RECITALS:

The City of Austin, under contract, provides meal services to elderly participants and low-income children.

The Austin Independent School District has facilities, personnel and equipment necessary to prepare and provide meal services. The City and AISD have previously entered into agreements for the provision of meal programs for the elderly and for summer programs. The parties desire to integrate responsibilities under one agreement.

This Interlocal Cooperation Agreement is entered into between the City of Austin (City) and Austin Independent School District (AISD).

I. Parties to the Agreement

This Agreement is between the City and AISD. The City herein designates the Austin Parks and Recreation Department, hereinafter referred to as PARD, as the department responsible for the City's administration of this contract and all matters pertaining hereto. AISD designates the Director of Food Services as its contract administrator.

II. Term

The initial term of this agreement shall be from the date of execution to September 30, 1996. The agreement shall renew annually unless terminated. Either party may terminate the agreement on 30 days written notice. In the event of a material breach, the agreement may be terminated on five days' notice.

III.: Work Statement

AISD shall provide and carry out the services and activities set out in each "Work Statement" appended to this Agreement. Appended to this Agreement are Appendix I "Work Statement Senior Support Services of Austin/Travis County" and Appendix II "Work Statement Summer Lunch Program." The parties' performance of this agreement shall comply with the terms and conditions of any grant or agreement governing the City's receipt and use of funds for programs described in appended Work Statements.

IV. Payment

AISD shall submit invoices to the City by the 10th of each month for payment on a unit rate charge for each meal prepared and provided for delivery under the terms of this Agreement. The City shall pay monthly the unit rate specified in the appended Work Statements and AISD agrees to submit to the City any increases sought to the unit rate at least 90 days prior to the renewal date.

V. Records and Reports

AISD shall maintain any records the City may require to evidence compliance with conditions governing the City's receipt and use of program funds. Records shall be kept for at least (3) three years and ninety days after the end of the year in which the expenditures were made; if an audit is in progress, records shall be kept until the conclusion of the audit. Records shall be made available to the City upon request.

VI. Monitoring

AISD shall allow the regular monitoring of its operations by the City and by representatives of those agencies or entities who have provided funding for the programs described in the Work Statements. Monitoring shall be accomplished with as little disruption to AISD operations as is possible.

VII. Amendments

Changes to the contract, inclusive of the addition of Work Statements, shall be in writing and shall be approved by both parties. The City Manager or his designee shall be authorized to make changes in the administration of the contract and shall be further authorized to approve additional Work Statements.

VIII. Termination

The City shall have the right to terminate this Agreement on notice should funds no longer be available from those third parties contracting with the City for the delivery of meals. The City shall remain responsible for payment of meals delivered prior to termination under this Section.

IX. Compliance with Federal, State and Local Laws

AISD agrees to comply with all applicable federal, state and local laws governing its performance of this contract.

X. Assignability

This Agreement shall not be assignable without mutual consent.

XI. Notices

For the purposes of this Agreement, all official communications and notices among the parties shall be deemed made if hand-delivered or sent postage prepaid the following addresses:

Director, Parks and Recreation
City of Austin
P.O. Box 1088
Austin, Texas 78767

AISD
Director of Food Services
1111 West 6th Street
Austin, Texas 78702

XII. Ratification

Prior agreements for the provision of meal services between the parties are ratified and approved of in all respects.

Executed this the _____ day of _____, 1994.

By: _____

Title: _____
City of Austin

By: _____

Title: _____
Austin Independent School District

APPENDIX I

WORK STATEMENT
SENIOR SUPPORT SERVICES OF AUSTIN/TRAVIS COUNTY

I. CONTRACT

TYPE: INTERLOCAL COOPERATION AGREEMENT

BETWEEN: CITY OF AUSTIN, SENIOR SUPPORT SERVICES
OF AUSTIN-TRAVIS COUNTY
AND
AUSTIN INDEPENDENT SCHOOL DISTRICT

II. PURPOSE

The mission of the Senior Support Services of Austin-Travis County is to provide meal service and a full range of services and activities to enhance the health and welfare of persons sixty years of age and older.

III. PROGRAM DESCRIPTION

The Senior Support Services (SSS) is open to anyone 60 years of age or older and operates at 16 locations in Austin and Travis County on a year round basis, Monday - Friday. In addition to lunch, participants share social/recreational activities, and opportunities for volunteerism and social assistance services such as: non-emergency medical and grocery shopping transportation, etc.; consumer/nutrition education; health screenings; and health & welfare counseling through information and referral services.

The only eligibility requirement is age and there are no required fees; however, a minimum meal donation of \$.50 is suggested.

The program is administered and conducted by the Parks and Recreation Department and allows for community and participant input through an established 25-person Citizen Advisory Council.

IV. STATEMENT OF RESPONSIBILITY

The Austin Independent School District shall:

- A. Provide for SSS participants a hot nutritious noon meal (or sack lunches for outings) be responsible for providing all necessary food service related supplies.
- B. Ensure that all meals served contain at least one-third (1/3) of the current dietary allowances (RDA) for persons 60 years and older in accordance with the most recent edition of the recommended dietary allowances by the Food and Nutrition Board of the National Academy of Sciences - National Research Council. (Title III Nutrition Service Standards)
- C. Provide menu and nutrition analysis within 15 days prior to the implementation of the six week menu cycle. Menus and analysis data must be approved by a Registered Dietitian. Completed copies must be mailed to the SSS Nutrition Service Supervisor prior to delivery to CAPCO. Menu adjustments must be reported to the SSS Nutrition Service Supervisor with as much advance notice as possible.
- D. Ensure that meals will be ready for pick-up by SSS staff at Austin High School, Mendez and Webb Middle Schools no later than 10:30 a.m. each day.
- E. Provide the City with monthly documentation of the total number of meals prepared, no later than the second working day of the month.
- F. Provide the SSS with two (2) copies of the Texas Department of Health (TDH) Inspection Report(s) for the cited kitchen(s) which prepare the meals, within seven (7) working days. Also, if items on TDH report are noted, AISD shall provide SSS with written notice stating the dates items were corrected.

The City shall:

- G. Provide a meal order per site for the up-coming week no later than every Tuesday by 12:00 noon with a mutually agreed upon allowable meal reservation adjustment period.
- H. Be responsible for loading and delivering all meals and for providing the equipment necessary for loading and delivery of meals.

V. MEAL UNIT RATE

The rate for each meal provided during the initial term shall be \$1.58. AISD agrees to give the City 90 days' written notice prior to the renewal date for any increase sought to the rate. Any increase shall be subject to mutual approval.

#9773

WORK STATEMENT
SUMMER LUNCH PROGRAM

I. SUMMER FOOD SERVICE PROGRAM

Grant funded through Texas Department of Human Service (DHS) and United States Department of Agriculture (USDA). Administered through the Austin Parks and Recreation Department (PARC), Community Enrichment Outreach.

II. PURPOSE

To provide free meal service to children, ages one to eighteen, at local designated schools, recreation facilities, and non-profit agencies.

III. PROGRAM DESCRIPTION

The Summer Food Service Program (SFSP) provides meal service in low income communities. Guidelines require fifty percent or more of children in a neighborhood to participate in free or reduced lunch program during the school year. The program is administered and conducted by PARC. Meal service is provided by the Austin Independent School District (AISD). The program runs approximately ten weeks during the summer.

IV. STATEMENT OF RESPONSIBILITY

AISD shall be responsible for the following:

- a) Preparing meals, for the SFSP, that meet or exceed grant requirements on serving size and type of food.
- b) Ensuring that meals are available for pick up no later than 90 minutes prior to serving time.
- c) Ensuring that meal units are dispensed according to all local, state and federal requirements.
- d) Maintaining and making available weekly meal production records for all food preparation sites.

- e) Providing sufficient school facilities in which to serve meals and during meal serving times.
- f) Maintaining constant meal operating hours. AISD shall notify PARD of any necessary serving time changes at least 48 hours prior to time adjustments.
- g) Providing assistance with custodial needs.
- h) Providing adequate access to clean restrooms during meal serving time.
- i) Providing notification to PARD, no later than April 30, for any request that food service be made available for summer programs.

The City of Austin through its Parks and Recreation Department shall be responsible for the following:

- j) Monitoring lunch sites and participants.
- k) Pick up and delivery of cold food lunches.
- l) Assisting with after-meal cleanup (table cleaning, sweeping, mopping and trash removal).

V. MEAL UNIT RATE

The rate for each meal provided during the initial term shall be \$1.63. The rate to be paid for subsequent terms shall be mutually determined prior to May of each year in which the Work Statement is in effect. AISD agrees to give the City notice by April 1 for any increase sought to the rate.

#9775



MEMORANDUM

TO: Parks and Recreation Board

FROM: Jesus M. Olivares, Acting Director
Parks and Recreation Department

DATE: February 8, 1996

SUBJECT: Proposed Tree Care Ordinance

In 1992, the Urban Forestry Board began consideration of an ordinance to address public tree issues brought to their attention by citizens and staff. In 1993, the Board adopted a draft Public Tree Care Ordinance and submitted it to the City. A cross-functional team with representatives from Parks and Recreation, Environmental and Conservation Services, Water and Wastewater, Public Works and Transportation, Law and the Electric Utility reviewed the draft and forwarded its revisions to the Board.

The Board incorporated many of the changes and began a series of public hearings in July 1994. To date, a total of 29 public hearings have been conducted before various City board and commissions. In addition, 21 separate neighborhood, business, environmental, trade and civic organizations have voted to recommend the ordinance to Council.

The proposed ordinance will:

- . reduce restrictions on pruning and removing trees along streets. Currently, Public Works is responsible for right-of-way, with PARD specifically responsible for trees. The Ordinance will deregulate and assign authority for trees to PARD.
- . allow maintenance and removal of street trees under a free permit issued by PARD rather than requiring issuance of a license and permit from Public Works. Minor maintenance by homeowners on street trees such as removing limbs touching roofs would not require a permit. In addition, permits will not be required for an approved site plan or a general permit.
- . 1% of future roadway construction and expansion funds will be dedicated to planting trees. This will provide funding for Council's 1991 resolution to include trees in new roadways.

Memo to Parks and Recreation Board
Proposed Tree Care Ordinance
Page 2

While the Parks and Recreation Board approved the ordinance at your February 14, 1995 meeting, there have been a number of changes in the draft since then. Therefore, I am asking that you review the current version (attached), and make a recommendation to Council. The item is scheduled for Council action February 29, 1996.

The Department recommends approval.



Jesus M. Olivares, Acting Director
Parks and Recreation Department

xc: Oscar S. Rodriguez, Assistant City Manager
Warren Struss, Division Manager, Operations

1/1/96

CITY OF AUSTIN, TEXAS

ORDINANCE NO.

AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC PROPERTY; ESTABLISHING THE OFFICE OF URBAN FORESTER; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC PROPERTY; PROVIDING FOR THE REMOVAL OF VEGETATION ON PRIVATE PROPERTY WHICH OBSTRUCTS PUBLIC TRAVEL; PROVIDING FOR THE PROTECTION OF PUBLIC TREES; PROVIDING FOR VALUE RECOVERY WHEN PUBLIC TREES ARE DAMAGED OR REMOVED; PROVIDING FOR TREES AS PART OF STREET IMPROVEMENTS; PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS; REPEALING SECTION 16-7-45; WAIVING SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That the Code of the City of Austin is hereby amended by adding chapter 15-10 as follows:

§ 15-10-1 SHORT TITLE.

This ordinance shall be known and cited as the Public Tree Care Ordinance.

§ 15-10-2 PURPOSE AND INTENT.

(A) The purpose of this chapter is to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees located on roadways, parks and public areas owned or controlled by the City of Austin. The application and enforcement of this ordinance shall be coordinated with existing ordinances.

(B) It is the intent that this chapter will promote:

(1) The planting, maintenance, restoration, and protection of trees on public property thereby enhancing the appearance of the City and protecting the urban forest as an important social, environmental, and economic resource for the benefit of the City's residents and visitors; and

(2) The assistance of property owners and public agencies with the protection and maintenance of trees in a manner consistent with adopted City policies, procedures, and regulations; and

(3) Minor maintenance, as provided by this ordinance, of trees in the right-of-way by adjacent property owners in accordance with nationally recognized standards.

CITY OF AUSTIN, TEXAS**§ 15-10-3 DEFINITIONS.**

DAMAGE shall include but not be limited to: the uprooting of a tree, severance of the root system, severance of the main trunk, the storage of materials or the compaction of soil around a tree, a substantial change in the natural grade above the root system or around the trunk or the pruning or removal of more than 25% of living tissue; and the paving with impervious materials around a tree.

PUBLIC PROPERTY shall mean all grounds owned or controlled by the City of Austin where public access is not restricted. Utility and drainage easements on private property, and areas restricting public access shall not be included in the definition of public property as used in this chapter.

TREE shall mean any self-supporting woody perennial plant typically having a trunk diameter of at least three inches measured at four and one-half feet above grade or having a trunk diameter of at least two inches if planted by or for the City.

PUBLIC TREE shall mean any tree with at least two-thirds of its trunk diameter on public property.

TREE VALUE for applications under this ordinance shall mean the appraised value of a tree based on the latest edition of the "Guide for Plant Appraisal" by the Council of Tree and Landscape Appraisers.

URBAN FORESTER shall mean the qualified designated City employee assigned to carry out the provisions of this ordinance.

UTILITY shall mean public utilities, businesses or organizations in the business of supplying electrical energy, gas, heat, steam, water, or sewage disposal and treatment.

§ 15-10-4 DUTIES AND AUTHORITY OF URBAN FORESTER.

There shall be an Urban Forester position filled by a qualified forester. The Urban Forester is authorized to:

(A) Preserve and enhance the City's urban forest through the management of the City's Urban Forestry Program and the administration and implementation of the Comprehensive Urban Forest Plan as developed with the Urban Forestry Board.

(B) Supervise the planting, maintenance and removal, as necessary, of trees on public property in coordination with affected City departments.

(C) Assist the Urban Forestry Board with the formation of, and any revisions to, the Comprehensive Urban Forest Plan and provide administrative staff services

CITY OF AUSTIN, TEXAS

(D) Develop and periodically update arboricultural specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees and shrubs on public property. Arboricultural specifications and standards of practice shall be based on the most current edition of the National Arborists Association's Standards for Tree Care or other nationally recognized standard and shall have been reviewed by the Urban Forestry Board in a public hearing prior to implementation. Copies of all rules, regulations, specifications, and standards shall be available to the public.

(E) Enforce the provisions of this ordinance.

(F) Affix conditions to the granting of permits.

(G) Supervise and inspect any work done under any permit issued pursuant to this chapter.

(H) Carry out such other duties specified in this chapter or in this Code.

§ 15-10-5 PERMITS.

(A) (1) Unless otherwise directed or permitted by another applicable City of Austin permit or license, no person shall maintain, remove, or damage any tree on public property without procuring a permit from the Urban Forester as specified in this chapter. It shall be the responsibility of the person actually performing the work or the employer of such person to apply for the permit. Permits under this chapter shall be issued free of charge. Fees can only be added after formal amendment to this ordinance.

(2) Applications for permits shall contain such information as the Urban Forester shall require and shall be made at the office of the Urban Forester not less than five (5) working days in advance of the time the work is to be done. Applications not acted on within ten (15) working days shall be deemed approved.

(3) The Urban Forester shall issue a permit upon a determination that the proposed work and the proposed method and workmanship are in accordance with this ordinance and adopted arboricultural standards. Any permit granted shall contain a date of expiration; the work shall be completed during the time allowed by the permit and in the manner described therein. Any permit shall be void if its terms are violated.

(B) An annual permit, effective January 1 of each year, may be issued to any person that engages in the pruning or maintenance of trees on public property. Issuance of an annual permit shall be expressly conditioned on compliance with City-adopted arboricultural specifications and standards of practice. A permit may be denied if the applicant has a demonstrated history of violating the provisions of this chapter. An annual permit shall not authorize the removal of trees. Notice of completion of work done under an annual permit shall be provided quarterly to the Urban Forester.

(C) The Urban Forester shall be authorized to remove any tree or vegetation found to have been planted in violation of this chapter or regulations adopted hereunder.

CITY OF AUSTIN, TEXAS

(D) As a condition of the issuance of a permit for the removal of a living tree, the Urban Forester may require the planting of replacement trees or provision therefor. In the event a permit holder agrees to plant a replacement tree and such a replacement tree is not timely planted, the Urban Forester may plant such tree and assess and collect the costs from the person issued the permit. Funds collected shall be deposited in the City of Austin Planting for the Future Trust In Agency Fund to be used for citywide public tree planting.

(E) The Urban Forester shall be authorized to revoke a permit for violations of this chapter or regulations adopted hereunder. Written notice and an opportunity to be heard shall be provided to permit holders before the revocation of a permit.

(F) No permit shall be required in the following instances:

(1) For any City department or contractor employed by a City department engaged in tree pruning, or maintenance provided that the work is completed according to the arboricultural specifications and standards developed by the Urban Forester and reviewed by the Urban Forestry Board under § 15-10-4. D.

(2) To remove any tree or limb under emergency conditions. An emergency shall be deemed to exist during such time as a hazardous or dangerous condition exists because a tree or limb has fallen or is in imminent danger of falling. A person may remove fallen limbs or trees blocking pedestrian or vehicular travel.

(3) For a public utility to remove trees or limbs which have fallen or are in imminent danger of falling if removal is necessary to restore service or to prevent damage to utility lines or facilities.

(4) Work authorized by a site plan, subdivision development or other development permit issued by the City; work so authorized shall be exempt only from the requirements of this chapter, except for § 15-10-6 and § 15-10-9.

(5) To perform minor maintenance on trees on public property. The Urban Forester shall define minor maintenance and develop and promulgate rules allowing for minor maintenance under this section.

§ 15-10-6 OBSTRUCTIONS.

(A) Upon notice or complaint, the Urban Forester shall be authorized to issue a written notice to property owners or occupants requiring the removal or clearance of private trees, shrubs or vegetative matter that create an obstruction as prohibited in Section 16-7-41. If an owner or occupant fails to remove or clear such vegetation within 10 days of receipt of the notice, the Urban Forester shall be authorized to remove or clear such vegetation.

(B) No person shall plant or cause to be planted on public property any tree that reaches a maximum height of 20 feet within ten (10) lateral feet of an overhead utility line or any tree within five (5) lateral feet of an underground utility line.

CITY OF AUSTIN, TEXAS

(C) The City shall at all times have the right to abate tree or other vegetative obstructions to or on public ways; the Urban Forester shall be authorized to remove such obstructions at any time.

§ 15-10-7 PROTECTION OF TREES

(A) Except as provided in Section 15-10-5(F) or unless authorized by other written permit issued by the City:

(1) No person shall damage, top, cut, carve, transplant, or remove any tree on public property; allow any gas, liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn which may injure any portion of any such tree.

(2) No person shall place or store upon public property any impervious cover or materials which may impede the free passage of water, air, or nutrients to the roots of any tree growing thereon.

(B) Unless otherwise directed or permitted by other applicable ordinances or rules, a person conducting excavation or construction on public property shall see that each tree in the area of work is guarded with a good substantial fence, not less than four (4) feet high and not closer than two (2) feet from or to the perimeter of the tree trunk. All building materials, dirt, and other debris shall be kept outside the barrier.

§ 15-10-8 LOSS OF PUBLIC TREES — VALUE RECOVERED.

(A) A person damaging a tree on public property shall be liable to the City for any loss of value. In the event damage is so pervasive as to result in the treatment or removal of the tree, the person damaging such tree shall also be liable for costs of treatment or removal. A person may appeal the Urban Forester's determination of the value to the Urban Forestry Board under the procedures established in Subsection 15-10-10. The assessment of a fine shall not prevent the recovery authorized by this subsection.

(B) Amounts recovered under this Section shall be deposited in the Planting for the Future Trust In Agency Fund to be used for citywide public tree planting.

§ 15-10-9 CAPITAL IMPROVEMENTS.

The Urban Forester shall participate in the planning or designing of major capital improvements to the road system to ensure the inclusion of trees as part of the road design. One percent (1%) of the actual construction costs of new roadway or roadway capacity expansion projects shall be devoted to the planting of trees. New roadway projects or projects that increase roadway capacity shall mean any project that increases the total of the City's roadway system lane miles. Funding for trees from general obligation road project bond proceeds is hereby authorized only from appropriate bond propositions presented to and approved by the voters from and after the effective date of this ordinance, and use of bond funds shall be subject to bond authorizations.

CITY OF AUSTIN, TEXAS**§ 15-10-10 APPEALS.**

(A) An applicant or permit holder shall have the right to appeal the conditions, denial, or revocation of a permit to the Urban Forestry Board upon the filing of a written appeal to the Urban Forestry Board within ten (10) days of the granting, denial, or revocation of a permit. The Urban Forestry Board shall hold a hearing within thirty (30) days of receipt of the appeal, or as soon as practical. The appellant shall be notified of the date of the hearing and shall be allowed to present evidence and testimony. The Urban Forestry Board by a majority vote shall uphold, reverse, or modify the decision of the Urban Forester.

(B) A person determined to be liable to the City under Section 15-10-5 or 15-10-8 shall have the right to appeal the determination of value to the Urban Forestry Board upon the filing of a written appeal to the Urban Forestry Board within ten (10) days of notice of liability. The Board shall conduct a hearing in the same manner specified in Subsection (A) above.

§ 15-10-11 INTERFERENCE WITH URBAN FORESTER.

No person shall hinder or obstruct the Urban Forester or any of his or her assistants while engaged in the performance of official duties.

§ 15-10-99 VIOLATION AND PENALTY.

(A) It shall be the policy of the city to first seek voluntary compliance with the provisions of this chapter by giving notice and an opportunity to comply in appropriate circumstances.

(B) It shall be an offense to engage in or do an act prohibited by this chapter or to omit to perform an act required by this chapter.

(C) A violation of the provisions of this ordinance shall be punishable by fine. Upon conviction, persons shall be assessed a fine not to exceed one hundred (\$100) dollars. Each day a violation of this chapter continues constitutes a distinct and separate offense.

PART 2. Section 16-7-45 of the Code of the City of Austin, 1992, is repealed.

PART 3. The requirements of Sections 2-2-3, 2-2-5 and 2-2-7, Code of the City of Austin, 1992, that ordinances be read on three (3) separate days and concerning the presentation and adoption of ordinances shall be hereby waived by the affirmative vote of five (5) members of the City Council.

CITY OF AUSTIN, TEXAS

PART 4. This Ordinance shall become effective upon the expiration of ten (10) days following the date of its final passage

PASSED AND APPROVED:

§
§
§
§
§

1996

Bruce Todd
Mayor

APPROVED:

Andrew Martin
City Attorney

ATTEST:

James E. Aldridge
City Clerk